

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



March 8, 2011

Mr. Alan F. Colton
Manager – Environmental Services
Sunrise Powerlink Transmission Project
8315 Century Park Court, CP21G
San Diego, CA 92123-1550

RE: SDG&E Sunrise Powerlink Transmission Line Project – Variance Request #8

Dear Mr. Colton,

On March 2, 2010, San Diego Gas and Electric (SDG&E) requested a variance from the California Public Utilities Commission (CPUC) to utilize an alternative access route to structure EP27, Link 2. Construction within Links 1, 2 and 5 was approved under NTP #13, of the Sunrise Powerlink Project, located within non-federal lands.

The CPUC voted on December 18, 2008 to approve the SDG&E Sunrise Powerlink Transmission Line Project ([Decision D.08-12-058](#)) and a [Notice of Determination](#) was submitted to the State Clearinghouse (SCH#2006091071). The BLM issued a [Record of Decision](#) approving the Project on January 20, 2009. The Project also crosses lands under jurisdiction of the U.S. Department of Agriculture; and Forest Service on the Cleveland National Forest; the Forest Service issued its Record of Decision and Supplemental Information Report on July 9, 2010. The area requested under this variance does not fall under Forest Service jurisdiction.

The CPUC also adopted a Mitigation, Monitoring, Compliance and Reporting Program (MMCRP) to ensure compliance with all mitigation measures imposed on the Sunrise Powerlink Project during implementation. The MMCRP also acknowledges that temporary changes to the project, such as the need for additional workspace, are anticipated and common practice for construction efforts of this scale and that a Variance Request would be required for these activities. This letter documents the CPUC's thorough evaluation of all activities covered in this variance, and that no new impacts or increase in impact severity would result from the requested variance activities.

Variance #8 to allow utilization of an alternative access route to structure EP27 is granted by CPUC for the proposed activities based on the factors described below.

SDG&E Variance Request. Excerpts from the SDG&E Variance Request, received March 2, 2011, are presented below (indented) with CPUC additions in parenthesis and in bold:

SDG&E is requesting a variance from the Final Environmental Impact Report/Environmental Impact Statement (FEIR/EIS) issued October 2008 and the Project Modification Report (PMR) approved on September 22, 2010 by the CPUC to utilize an alternative access route to structure EP27. The alternative route is currently being utilized by the City of San Diego (City) to prevent erosion on the existing road; the City has requested that SDG&E utilize it for access to EP27. The approved access to the structure was previously designed to utilize an existing City maintained road.

Existing erosion control issues have prompted the City to block access to the road (**current approved access to EP27**). SDG&E has since coordinated with the City on January 14, 2011 to utilize an existing alternative access route adjacent to the approved road. Coordination documentation has been included with this variance request. No road improvements by SDG&E are intended to occur.

A biological survey was conducted on February 18, 2011 for the alternative access route to structure EP27. Vegetation communities within and surrounding the area surveyed include bare ground, coast live oak woodland, flattopped buckwheat scrub, southern mixed chaparral, and non-native grassland (NNG). No raptors were observed during this survey. No nests were located and no nesting activity was observed. Much of the habitat within and surrounding the survey area was NNG.

The identified area was surveyed by ASM during the Class III Inventory. There are no cultural resource sites in the proposed alternative access route.

SDG&E asks for approval to utilize the existing alternative access route as requested by the landowner, the City of San Diego (**for construction and future structure operation and maintenance**).

CPUC Evaluation of Variance Request

In accordance with the MMCPRP, the subject variance request was reviewed by CPUC to confirm that no new impacts or increase in impact severity would result from the requested variance activities. The following discussion summarizes this analysis for biological, cultural, paleontological, and hydrological resources, sensitive land uses/noise, and other issue areas. A list of conditions is presented below to define additional information and clarifications regarding mitigation requirements. In some cases, these items exceed the requirements of the Mitigation Measures and Applicant Proposed Measures, and are based on specific site conditions and/or are proposed conditions by SDG&E.

Biological Resources. Per the variance request, a biological survey was conducted on February 18, 2011 for the alternative access route to structure EP27. Much of the habitat within and surrounding the survey area was bare ground and non-native grassland. No road improvements are intended to occur. No raptors were observed during this survey. No nests were located and no nesting activity was observed.

To avoid harm to nesting birds and other wildlife species, SDG&E and its contractors will implement the protective measures noted below. No impacts to biological resources are anticipated with the implementation of the conditions.

Hydrological Resources. Best Management Practices (BMPs) will be installed in accordance with the Storm Water Pollution Prevention Plan (SWPPP).

Cultural and Paleontological Resources. The Final Inventory Report of the Cultural Resources was accepted on June 2, 2010 by BLM and CPUC. No cultural resources are located within the alternate access road. Any new discoveries shall be managed in compliance with the procedures and guidelines for Treatment for Unanticipated Discoveries set forth in the Final HPMP. No impacts to cultural or paleontological resources are anticipated.

Sensitive Land Uses/Noise. The originally approved access route to structure EP27 and currently proposed access route are within close proximity to each other. No additional concerns are noted under this variance.

Other Issue Areas. No concerns are noted under this variance.

Conditions of Variance Approval.

The conditions presented below shall be met by SDG&E and its contractors:

1. All applicable project mitigation measures, APMs, compliance plans, permit conditions and conditions of NTP #13 shall be implemented. Some measures have on-going/time-sensitive requirements and shall be implemented prior to and during construction where applicable.
2. Copies of all relevant permits, compliance plans, and this Variance approval shall be available on site for the duration of use of the alternate access route during construction.
3. No tree trimming, clearing or disturbance to native vegetation shall occur outside of alternative access route.
4. Conduct biological monitoring in compliance with Mitigation Measure B-1c. "Biological survey sweeps" are required to occur immediately preceding and during active use of the alternative access route as part of required biological monitoring activities.
5. In compliance with Mitigation Measure B-8a, pre-construction surveys by a qualified biologist for nesting birds within 100 feet of the alternative access route within 10 calendar days prior to the initiation of construction shall occur between January 15 and August 15. In addition, nesting surveys by a qualified biologist for sensitive species shall be conducted within 500 feet of the construction zone within 10 days prior to the initiation of construction shall occur between January 1 and September 15.
6. If active nests are found, follow protocols in MM B-8a. A biological monitor shall establish an appropriate buffer around the nest and no activities will be allowed within the buffer until the young have fledged from the nest or the nest fails. The biological monitor shall conduct regular monitoring of the nest to determine success/failure and to ensure that project activities are not conducted within the buffer until the nesting cycle is complete or the nest fails. The biological monitor shall be responsible for documenting the results of the surveys and the ongoing monitoring. The buffer may be adjusted with the approval of CDFG and USFWS, and with prior knowledge of the CPUC.
7. If the application of water is needed to abate dust, SDG&E shall use the least amount needed to meet safety and air quality standards and prevent the formation of puddles, which could attract wildlife to construction sites (as requested by USFWS). Conditions of the Dust Control Plan will be implemented and enforced.
8. The SWPPP shall be implemented.
9. When significant precipitation events are anticipated, or have occurred, access on project roads may be suspended in order to maintain the integrity of access roads and provide for personnel safety. Access will be suspended for 24 hours following a rain event in order to allow for a dry out period. The parameters for suspending access include, but are not limited to:
 - a. Rutting occurring in excess of 2 inches over a distance of 50 feet
 - b. Rutting and/or soil mixing occurring on 10% of the road
 - c. Rills more than 10 feet in length develop
 - d. Significant soil compaction
 - e. Significant soil adhesion to vehicles and construction equipment

Please contact me if you have any questions or concerns.

Sincerely,

Billie Blanchard
CPUC Environmental Project Manager
Sunrise Powerlink Transmission Project

cc: Daniel Steward, BLM El Centro Field Office
Tom Zale, BLM El Centro Field Office
Bob Hawkins, Forest Service
Eric Kershner, USFWS
Erinn Wilson, CDFG
Susan Lee, Aspen Environmental Group
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